

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GERALD E. BROCKINGTON,

Plaintiff,

V.

**GEORGIA DEPARTMENT OF
CORRECTIONS, *et al.*,**

Defendants.

CIVIL ACTION NO. 5:14-CV-163 (MTT)

ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Charles H. Weigle (Doc. 26) on the Defendants' motions to dismiss (Docs. 11; 23). The Magistrate Judge recommends granting the motions because the Plaintiff failed to exhaust his administrative remedies in accordance with the Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a). The Plaintiff did not file an objection to the Recommendation.

The Court has reviewed the Recommendation and accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge.¹ The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Defendants' motions to dismiss (Docs. 11; 23) are **GRANTED**, and the Plaintiff's complaint is **DISMISSED**.

¹ In addition, the Court finds that the October 1, 2013 grievance does not address the issues in the Plaintiff's lawsuit; rather, it requests the dismissal of a disciplinary report and the grievance was rejected for that reason. For this additional reason, the Plaintiff did not exhaust his administrative remedies by filing the October 1, 2013 grievance, nor did he do so by filing the March 11, 2014 grievance, which was both untimely and not appealed.

SO ORDERED, this 10th day of February, 2015.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT